

Off Street Penalty Charge Notices & Appeals Privacy Notice

What this Privacy Notice covers

Adur & Worthing Councils are the data controllers (referred to in this notice as “we” or “us”) of your personal data for the purposes of applicable data protection legislation.

Adur & Worthing Councils Data Protection Officer can be contacted at:

data.protection@adur-worthing.gov.uk

Adur & Worthing Councils,
Worthing Town Hall,
Chapel Road,
Worthing,
West Sussex,
BN11 1HA

We are committed to doing the right thing when it comes to how we collect, use and protect your personal data. This privacy notice:

- explains how and why we collect and use your personal data
- sets out the types of personal data that we collect
- explains when and why we will share personal data and with other organisations
- explains the rights and choices you have when it comes to your personal data

Why we need your personal data

The purpose of processing your personal data is to administer the Council's processing of Penalty Charge Notices (PCN) & Appeals.

We will use your data to process PCN which are issued to vehicles in respect of off-street parking contraventions. All processes are carried out in line with traffic management / parking related legislation and using secure systems.. The information you provide will only be used for the parking related purposes for which it was obtained.

We are relying on GDPR Articles 6(1) (c) & (e) processing is necessary in the the exercise of official authority in the data controller, namely the Traffic Management and Civil Enforcement legislation:

The Traffic Management Act 2004, The Civil Enforcement of Parking Contraventions (England) General Regulations 2007, The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007, The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007, The Traffic

Management Act 2004 (Commencement No. 5 and Transitional Provisions) (England) Order 2007, The Civil Enforcement of Parking Contraventions (England) General (Amendment) Regulations 2008, The Traffic Management Act 2004 (Commencement No. 5 and Transitional Provisions) (England) (Amendment) Order 2008, The Civil Enforcement of Parking Contraventions (England) General (Amendment) Regulations 2009, The Civil Enforcement of Parking Contraventions (England) General (Amendment) Regulations 2015, The Civil Enforcement of Parking Contraventions (England) General (Amendment No.2) Regulations 2015, Operational & Statutory Guidance, Tribunals & Courts Enforcement Act , Civil Procedure Rules. The Borough of Worthing (Off Street Parking Places) Consolidation Order 2007 as amended and The Adur District (Off Street Parking Places) (Civil Enforcement & Consolidation) Order 2011 as amended, (with effect from 31st May 2022) The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022; The Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022

Where special category data is provided and processed, the relevant legal basis we are relying on is GDPR Article 9(1)(f) as processing is necessary for the establishment, exercise or defence of legal claims or whenever Courts are acting in their judicial capacity

What we collect and how it is used

Your vehicle details are obtained by the Civil Enforcement Officer. Photographic images are taken of the vehicle parking in contravention of the parking regulations.

Your name and address is obtained from the DVLA if the PCN has not been paid within 28 days from the date of service of the PCN, for postal PCN your information is obtained from the DVLA within 2 days from the date of the PCN Notice being issued.

Your contact details are collected from correspondence you have submitted either via the Councils website or via the appeals email. Where grounds relating to health are relied upon when appealing against a Penalty Charge Notice, details regarding the medical information may be requested to consider this aspect as part of the appeals process.

The personal information you provide to the Council will be used or processed for the purpose of your appeal. The Council will use the information for this purpose and may disclose it to those individuals or organisations referred to below.

For details on how the Council uses your data when payments are made for Penalty Charge Notices please see <http://www.adur-worthing.gov.uk/payments> . The Council does not hold any credit or debit card details.

Your personal data may be converted ('anonymised') into statistical or aggregated data in such a way as to ensure that you are not identified or identified from it. Aggregated data can't, by definition, be linked back to you as an individual. This data might be used to conduct research and analysis, including to prepare statistical research and reports

We may share personal data with other organisations in the following circumstances:

- For law enforcement, regulation and licensing, criminal prosecutions and court proceedings
- for the purposes of prevention and detection of fraud - Partner agencies and other local authorities within West Sussex involved directly in parking management and the Police
- In dealing with appeals against PCN - the Traffic Penalty Tribunal, The Traffic Enforcement Centre, The Courts and enforcement agents and agents providing services to the Borough & District Council in carrying out its role in pursuing unpaid Penalty Charge Notices.
- If we need to share personal data in order to establish, exercise or defend our legal rights (this includes providing personal data to others for the purposes of the prevention and detection of fraud).

How long the information kept for?

Records are kept in accordance with the Council's disposal schedule and we will not keep your information for longer than necessary.

Yours rights

You have certain rights under UK data protection legislation, including:

- The right to be informed
- The right of access
- The right to rectification
- The right to erasure
- The right to restrict processing
- The right to data portability
- The right to object
- Rights in relation to automated decision making and profiling.

If you have a concern about the way we are collecting or using your personal data, we request that you raise your concern with us in the first instance. Alternatively, you can contact the Information Commissioner's Office at www.ico.org.uk/concerns/

How to contact us

If you would like to discuss anything in this privacy notice, please contact:

- the Parking Services Team on 01903 239999
or parking.comments@adur-worthing.gov.uk